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TO: \_\_\_\_\_

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COMMENT:

PAGE 1/22 \* RCVD AT 12/28/2006 10:53:11 AM [Eastern Standard Time] \* SVR:USPTO-EFAXRF-6/41 \* DNIS:2738300 \* CSID:13123214299 \* DURATION (mm-ss):02-48

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## FACSIMILE COVER SHEET

Date: December 28, 2006  
To: United States Patent & Trademark Office  
Attention: Examiner Douglas N. Washburn  
Fax No: 571-273-8300  
From: John C. Freeman  
Tel. No: 312-321-4200  
Client No: 56-350

No. of Pages  
(inc. this page): 21

Confirmation Copy To Follow: Yes ☐ No ☐

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PLEASE CALL 312-321-4200 AND ASK FOR: Pam Ward

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## COVER MESSAGE:

Per Examiner Washburn's request, Applicant's are resubmitting the Amendment faxed to the US Patent Office on December 22, 2006. While Applicant's received confirmation from the patent office that the fax was received on December 22nd, it appears that the Amendment may have been misplaced at the patent office per Examiner Washburn.

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**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence, totaling 19 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-8300 (Central number) on the below date:

Date: December 22, 2006 Name: John Freeman

Signature: *John Freeman*

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**& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Erich Strasser

Appln. No.: 09/835,293

Filed: April 13, 2001

For: METHOD AND DEVICE FOR DETECTION  
OF OSCILLATIONS BY A POSITION  
MEASURING SYSTEM

Examiner: Douglas N.  
Washburn

Art Unit: 2863

Attorney Docket No: 56/350

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

**Attached is/are:**

- ☒ Transmittal (in duplicate) and Supplemental Amendment.  
☒ Return Receipt Postcard.

**Fee calculation:**

- ☐ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☒ An additional filing fee has been calculated as shown below:

|   |                                  |       |                                 |               | Small Entity |           |    | Not a Small Entity |            |
|---|----------------------------------|-------|---------------------------------|---------------|--------------|-----------|----|--------------------|------------|
|   | Claims Remaining After Amendment |       | Highest No. Previously Paid For | Present Extra | Rate         | Add'l Fee | or | Rate               | Add'l Fee  |
| Total                                     | 51                               | Minus | 28                              | 23            | x \$25=      |           |    | x \$50=            | \$1,150.00 |
| Indep.                                    | 4                                | Minus | 3                               | 1             | x 100=       |           |    | x \$200=           | 200.00     |
| First Presentation of Multiple Dep. Claim |                                  |       |                                 |               | + \$180=     |           |    | + \$360=           |            |
|   |                                  |       |                                 |               | Total        | \$        |    | Total              | \$1,350.00 |

**Fee payment:**

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☒ Please charge Deposit Account No. 23-1925 in the amount of \$1,350.00. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

*December 22, 2006*

Respectfully submitted,

*John C. Freeman*  
John C. Freeman (Reg. No. 34,483)

**BRINKS**  
**HOFFER**

**BRINKS HOFFER GILSON & LIONE**

NRC Tower - Suite 3600 455 N. Cincinnati Plaza Drive Chicago, IL 60611-5599

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|   |  |  |
|---|--|--|
| <b>CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8</b><br>I hereby certify that this correspondence, totaling 18 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-8300 (Central number) on the below date:<br>Date: <u>December 22, 2006</u> Name: <u>John Freeman</u> Signature: <u>[Signature]</u> |  |  |
|---|--|--|

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GILSON  
& LIONE**
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
In re Appln. of: **Erich Strasser**Appln. No.: **09/835,293**Filed: **April 13, 2001**For: **METHOD AND DEVICE FOR DETECTION  
OF OSCILLATIONS BY A POSITION  
MEASURING SYSTEM**Examiner: **Douglas N.  
Washburn**Art Unit: **2863**Attorney Docket No: **56/350**Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450
**TRANSMITTAL**
**Attached is/are:**

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☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☒ An additional filing fee has been calculated as shown below:

|   |                                     |       |                                    |                  | Small Entity |           |    | Not a Small Entity |            |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|------------|
|   | Claims Remaining<br>After Amendment |       | Highest No.<br>Previously Paid For | Present<br>Extra | Rate         | Add'l Fee | or | Rate               | Add'l Fee  |
| Total                                     | 51                                  | Minus | 28                                 | 23               | x \$25=      |           |    | x \$50=            | \$1,150.00 |
| Indep.                                    | 4                                   | Minus | 3                                  | 1                | x 100=       |           |    | x \$200=           | 200.00     |
| First Presentation of Multiple Dep. Claim |                                     |       |                                    |                  | + \$180=     |           |    | + \$380=           |            |
|   |                                     |       |                                    |                  | Total        | \$        |    | Total              | \$1,350.00 |

**Fee payment:**

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
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☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

[Signature]  
 John C. Freeman (Reg. No. 34,483)

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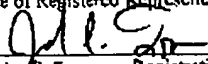
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I hereby certify that this correspondence is being  
deposited with Group Art Unit 2863 of the United States  
Patent and Trademark Office, via facsimile (571-273-8300),  
on December 22, 2006.

Name of Registered Representative:

  
John C. Freeman, Registration No. 34,483

December 22, 2006  
Date of Signature

PATENT  
CASE NO. 56/350

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
Erich Strasser )  
) Group Art Unit: 2863  
)  
Serial No.: 09/835,293 )  
) Examiner: Washburn, Douglas N.  
Filed: April 13, 2001 )  
)  
For: METHOD AND DEVICE FOR )  
DETECTION OF OSCILLATIONS )  
BY A POSITION MEASURING )  
SYSTEM )

**SUPPLEMENTAL AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is in response to the Office Action mailed August 9, 2006. Accordingly,  
please cancel claims 1, 25 and 28 without prejudice, amend claims 2-4, 9, 24, 26 and 27 and add  
claim 29-54 as follows: